

REMARKS

The following comments are responsive to the Non-final Office Action mailed January 21, 2009 ("Action"). Reconsideration and allowance are respectfully requested based on the above amendments and below remarks.

Telephonic Interview

Preliminarily, Applicants wish to thank Examiner Jama for the courtesies extended to their representatives during the telephonic interview on July 20, 2009. The following remarks include Applicants' substance of interview pursuant to MPEP § 713.04. In the interview, no exhibits or demonstrations were conducted, and claim 1 and U.S. Patent App. Pub. No. 2006/0030295 (Adams et al.) cited in the rejection of claim 1 under 35 U.S.C. § 103 were discussed. Applicants pointed out that the instant application claims priority to EP Appl. No. 03018919.5, filed August 20, 2003, whereas Adams was filed nearly a year later on August 3, 2004. Agreement was reached that Adams is not prior art and that the rejection of claim 1, and its dependent claims, under 35 U.S.C. § 103 is improper.

Claim Objections

The Action objects to claims 25 and 26 for reciting a "microband channel, and microband messages." See Action, p. 2. Applicants respectfully traverse, but, to expedite prosecution, have broadened the claims by removing instances of the term "microband." Applicants respectfully request that the objection be withdrawn.

Claim Rejections Under 35 U.S.C. 101

Claims 19-26 stand rejected under 35 U.S.C. § 101 for allegedly not falling within one of the four statutory categories of invention. Applicants respectfully traverse, but, to expedite prosecution, independent claims 19 and 25 have been amended to recite a processor. Thus, claims 19 and 25, as well as their respective dependent claims, are tied to another statutory category and hence claims 19-26 are statutory. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 101.

Claim Rejections Under 35 U.S.C. §§ 102 and 103

Claims 1, 2, 5, 8, 18, and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,647,260 (Dusse et al.) and U.S. Patent Appl. Pub. No. 2006/0030295 (Adams et al.).

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dusse and Adams, in further view of U.S. Patent No. 5,944,790 (Levy).

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dusse and U.S. Patent Appl. Pub. No. 2005/0114798 (Jiang et al.).

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dusse and Adams, in further view of Jiang.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dusse and U.S. Patent Appl. Pub. No. 2005/0054325 (Morper).

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dusse and Morper, in further view of U.S. Patent No. 6,892,228 (Penders).

Claims 13, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dusse and Morper, in further view of Levy.

Claims 14, 15, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dusse and U.S. Patent No. 6,782,253 (Shetyn et al.).

Claims 20, 21, and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Appl. Pub. No. 2004/0210479 (Perkowski et al.).

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Appl. Pub. No. 2004/0210479 (Perkowski et al.) and U.S. Patent Appl. Pub. No. 2004/0203338 (Zilliacus).

Applicants respectfully traverse these rejections for at least the following reasons.

Firstly, Applicants note that the rejection of claims 20 and 21 is deficient. Claims 20 and 21 depend from claim 19. The Action rejects claim 19 under 35 U.S.C. § 103 based on the combination of Dusse and Shetyn. *See* Action, p. 10-11. The Action rejects claims 20 and 21 as being anticipated by Perkowski. *See* Action, p. 3. As a dependent claim incorporates all of the features recited in its parent claim, claims 20 and 21 cannot be anticipated by Perkowski given that claim 19 is not also anticipated by Perkowski. Moreover, the Action has not established a *prima facie* case of obviousness to reject claims 20 and 21 over the combination of Dusse, Shetyn, and Perkowski. Accordingly, Applicants submit that the rejection of claims 20 and 21 is deficient for at least these reasons, and respectfully request that the rejection be withdrawn.

Secondly, as discussed above, Adams does not constitute prior art and hence Applicants respectfully request withdrawal of the rejection to claim 1 under 35 U.S.C. § 103(a). Independent claims 10, 19, and 25 have been amended and are allowable at least for reasons analogous to those given in support of claim 1. The pending claims that respectively depend from independent claims 1, 10, 19, and 25 are allowable at least due to their dependence on an allowable claim, in addition to the features they recite.

New Claim

New claim 27 has been added to the application and recites “loading a local client executable application configured to code a coded text message provided by a content provider based on a short code and a long identifier, wherein the short code and the long identifier are customized to a topic of the content of the coded text message provided by the content provider.” At least these claim features are believed to define over the references of record.

Conclusion

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: July 21, 2009

By: /Christopher M. Swickhamer/
Christopher M. Swickhamer
Registration No. 59,853
Banner & Witcoff, Ltd.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000
Fax: 312-463-5001